

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C70-9213

Subproceeding: 17-sp-03

**JOINT STIPULATION TO STAY
SUBPROCEEDING AND FOR ORDER
TO REFER TO MEDIATION**

The Stillaguamish Tribe of Indians, Upper Skagit Indian Tribe and Swinomish Indian Tribal Community (“Moving Parties”) stipulate as follows and jointly move for relief as set out below pursuant to Paragraph 25(b)(2) as modified by *United States v. Washington*, 18 F. Supp. 3d. 1172, 1214 (W.D. Wash. 1991) and LCR 39.1(c).

1. Pursuant to LCR 39.1(c)(1), the Moving Parties have agreed to participate in mediation and respectfully request that the Court issue an order directing the requesting parties and all affected parties to engage in mediation under LCR 39.1(c)(3)–(7); and
2. The Moving Parties jointly stipulate and respectfully ask that the Court (a) stay all case deadlines, as set out in the Court’s Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement, dated September 12, 2017 (Dkt. # 5); and

(b) order that the Moving Parties notify the Court in writing within ten days of the conclusion of mediation.

The Moving Parties have not been informed that any party to this action opposes entry of the order below.

DATED this 27th day of September, 2017.

STILLAGUAMISH TRIBE OF INDIANS

By: _____
Rob Roy Smith, WSBA #33798
Email: rsmith@kilpatricktownsend.com
Claire R. Newman, WSBA #46200
Email: cnewman@kilpatricktownsend.com
Kilpatrick Townsend & Stockton, LLP
1420 Fifth Avenue, Suite 3700
Seattle, Washington 98101
Tel: (206) 467-9600

By: /s/ Scott Mannakee by RRS per auth.
Scott Mannakee, WSBA # 19454
Email: smannakee@stillaguamish.com
Office of Legal Counsel
Stillaguamish Tribe of Indians
3322 236th Street NE
Arlington, Washington 98223
Tel: (360) 572-3028

Attorneys for the Stillaguamish Tribe of Indians

**SWINOMISH INDIAN TRIBAL
COMMUNITY**

By: /s/James M. Jannetta by RRS per. auth
James M. Jannetta, WSBA #36525
Email: jjannetta@swinomish.nsn.us
Emily Haley, WSBA #38284
Email: ehaley@swinomish.nsn.us
Office of The Tribal Attorney Swinomish Indian
Tribal Community
11404 Moorage Way
La Conner, WA 98257
Tel: (360) 466-3163

Attorneys for Swinomish Indian Tribal Community

UPPER SKAGIT INDIAN TRIBE

By: s/ Tyler Farmer by RRS per auth.
Arthur W. Harrigan, Jr., WSBA # 1751
Email: arthurh@harriganleyh.com
Tyler Farmer, WSBA # 39912
Email: tylerf@harriganleyh.com
Xiang Li, WSBA # 52306
Email: XiangL@harriganleyh.com
Harrigan Leyh Farmer & Thomsen LLP
999 Third Avenue, Suite 4400
Seattle, WA 98104
Tel: (360) 854-7016

David S. Hawkins, WSBA # 35370
Email: dhawkins@upperskagit.com
General Counsel
Upper Skagit Indian Tribe
25944 Community Plaza Way
Sedro-Woolley, WA 98284
Tel: (360) 854-7016

Attorneys for Upper Skagit Indian Tribe

ORDER

Pursuant to the foregoing stipulation, and for good cause shown, all case deadlines in Subproceeding 17-3 are stayed pending mediation. The requesting parties and all affected parties shall participate in mediation to be conducted pursuant to Local Civil Rule 39.1(c).

IT IS SO ORDERED.

Dated this 10 day of October 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2017, I electronically filed the foregoing **JOINT STIPULATION TO STAY SUBPROCEEDING AND FOR ORDER TO REFER TO MEDIATION** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties registered in the Court's ECF system for the above-captioned case.

DATED this 27th day of September, 2017.

Kilpatrick Townsend & Stockton LLP

By: _____
Rob Roy Smith, WSBA # 33798
rrsmith@kilpatricktownsend.com
Attorneys for the Stillaguamish Tribe of Indians